



Hear Mr. Baig

I just got this fax from
the Attorney General's Office.
And in this letter Mr. White is
deliberately trying to mislead
and impede justice. Mr. White
gives no mention of the Health
Problems. He does not tell the
Attorney General Any of the specifics
of the matter, such as the Amesia
and sulphur fumes entering the
residents homes, over

(2)



he never stated that while the plant is in operation that the residents can not even stand in their yard. he never mentioned to the Attorney General's office the hundreds of times the local fire Department is called out to the community when the area is saturated with Ammonia-Sulphur fumes. he never mentioned the Paramedics that were called out and at one house the residents were told to turn off the Air Condition System because it was pulling the Ammonia and Sulphur fumes into the house. He never mention that he refuses to call the State Health Dept to evaluate the



health concerns of the residents. He is telling the Attorney General only what he wants them to know that is why he got the response from Attorney General that he did. I have been working with the Attorney General's office months before he sent in the request.

Once again Mr. White is misleading the Attorney General's office asking them to give him a tailor made decision in support of his and others conspiracy effort to support the plants continued existence.



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These are not the
questions the Commissioners
asked four of the Commissioners
called for the Board to revoke the
license based on the Negligent
and Criminal operation of the
Plant in the OSHA-Report
dated October 5, 2000 inspection
number 302618152
Inspection date 04-11-2000/09-26-2000
Issued 10-02-2000. in this report on
45 serious violations and all are
due to Negligence



Also why in Mr. White's
request he did not tell
the Attorney General's Office Mr.
Hobbs the Superintendent of the
Hotman City School wants the
School Adjacent to the ~~Plant~~
Plant closed, and wants the
Students removed because he
and the teachers know the
dangers and face the Health
Hazards daily, Mr. White only
wants to continue his Nazi
and discriminatory practice of
enforcing the Local & State Law,

Thanks,



Mr. White is Lying
to you all. He is
trying to discredit me and
he has been to the Attorney
General's Office. Gamine
the Taylor made request
he made to the Attorney
General's Office, when there
are facts and laws you
don't have to Assume

F. Lenton White
City Attorney

D. Kevan Kelly
Assistant City Attorney

Scott K. Hedeon
Assistant City Attorney

The City of Dothan

Legal Department
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February 27, 2001

Hon. Bill Pryor
Attorney General
Alabama State House
11 South Union Street
Montgomery, Alabama 36130

Re: Municipal action to close local
fertilizer plant as requested by area residents

Dear General Pryor:

The Dothan Board of Commissioners has authorized me to request an Attorney General's Opinion as to the interaction of §18-38 of the City of Dothan Code of Ordinances with Code of Alabama 1975, §§6-5-122 and 127, and the application of these provisions to a fertilizer plant in Dothan.

Section 18-38 of the City of Dothan Code reads as follows:

"(a) if a person shall be found to be operating any business in violation of Chapter 114 or in an illegal manner as to be detrimental to public health, safety or welfare or so as to constitute a nuisance, he shall be guilty of a misdemeanor and, in addition, the Board of Commissioners shall have the right to revoke the licensing of such business."

Section 6-5-122 of the Code of Alabama 1975 authorizes municipalities to commence an action "to abate any public nuisance injurious to the health, morals, comfort, or welfare of the community or any portion thereof." Section 6-5-127 limits the situations in which a "manufacturing or other industrial plant" can be considered a nuisance based on changed conditions in or about the locality more than one year after the plant begins operation.

The aforementioned fertilizer plant has been in operation for many years, and for much of that time the area in which it was located was rural and contained few residences. Many years after commencement of the plant's operation, however, a number of houses were built nearby, and current occupants are complaining that the operation of the plant is injurious to their health and constitutes a nuisance.

Hon. Bill Pryor
Attorney General
Alabama State House
February 27, 2001
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The Board of Commissioners seeks answers to the following questions:

- (1) Assuming that the plant did not constitute a nuisance when it began operations and any argument that it is presently a nuisance depends on the present proximity of houses, in what manner, if any, does Section 6-5-127 limit the City's ability to proceed against the plant under either Section 18-38 or Section 6-5-122?
- (2) Assuming that the source of any problem with the plant stems from emission of ammonia, does Section 6-5-122 provide authority for the City of Dothan to require the plant to install ammonia emission monitoring equipment in order to detect evidence of improper or negligent operation?

Thank you for your cooperation in this matter.

Yours truly,



P. Lenton White
City Attorney

FLW/lj

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RESOLUTION NO. 2001-52

BE IT RESOLVED by the Board of Commissioners for the City of Dothan as follows:

Section 1. That City Attorney, F. Lenton White, is hereby authorized and directed to request an Attorney General's opinion as to whether the City of Dothan can legally require Tri-States Plant Food, Inc., to install equipment to monitor airborne emissions.

PASSED, APPROVED AND ADOPTED on the 13 day of FEBRUARY, 2001.

Attest:

Delma Lee
City Clerk

Charles Sawell
Mayor
George Little Jr.
Associate Commissioner
F. Lenton White
Associate Commissioner
Don Clement
Associate Commissioner
[Signature]
Associate Commissioner
Pat [Signature]
Associate Commissioner
[Signature]
Associate Commissioner
Walt Bullard
Associate Commissioner
BOARD OF COMMISSIONERS